

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHILLY DIL CONSULTING INC., a Florida corporation, §
§
Plaintiff, §
§
V. § **CIVIL ACTION NO. 3:14-cv-02749-P**
§
JETPAY ISO SERVICES, LLC, a Texas limited liability company; JETPAY, LLC, a Texas limited liability company; JETPAY CORPORATION, a Delaware corporation; and TRENT R VOIGT, an individual, §
§
Defendants. §

APPENDIX OF EVIDENCE IN SUPPORT OF PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO MOTION TO COMPEL AND MOTION FOR SANCTIONS UNDER FRCP 37

Pursuant to Civil Local Rules of Northern District of Texas Local Rule 7-1, Plaintiff, CHILLY DIL CONSULTING INC., ("Plaintiff") hereby submits this Appendix of Evidence in support of Plaintiff's Reply to Defendant's Response to Motion to Compel and Motion for Sanctions Under FRCP 37.

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BY: /s/ David Paul Steiner
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CERTIFICATE OF SERVICE

This is to certify that on July 22, 2015, the foregoing was served upon counsel of record in accordance with the Federal Rules of Civil Procedure as set forth below by U.S. Mail or electronic filing.

COOPER& SCULLY, P.C.
Timothy Micah Dortch
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Founders Square
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Tel.: 214/712-9501
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COUNSEL FOR DEFENDANTS

BY: /s/*Patricia Beaujean Lehtola*
Patricia Beaujean Lehtola

THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHILLY DIL CONSULTING INC., a
Florida corporation,

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V.

CIVIL ACTION NO. 3:14-cv-02749-P

JETPAY ISO SERVICES, LLC, a Texas
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and TRENT R VOIGT, an individual,

§

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Defendants.

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DECLARATION OF DAVID STEINER IN SUPPORT OF PLAINTIFF'S REPLY TO
DEFENDANT'S RESPONSE TO MOTION TO COMPEL AND MOTION FOR
SANCTIONS UNDER FRCP 37

I, David Steiner, declare as follows:

1. I am the counsel of record for Plaintiff Chilly Dil Consulting, Inc. ("Chilly Dil").

Unless otherwise stated as based on information and belief, I have personal knowledge of the facts stated herein. If called upon to do so, I could and would testify to the truth thereof.

2. I make this Declaration in support of Chilly Dil's Reply to Defendant JetPay ISO Services, LLC's ("JetPay") Response to Motion to Compel and Motion for Sanctions Pursuant to FRCP 37.

3. On June 17, 2015, Chilly Dil filed its Motion to Compel and Motion for Sanctions Pursuant to FRCP 37 with this Court. Later, on the same day, my office received an email from the law firm of Cooper & Scully, counsel for JetPay, which included a link to 701 pages of documents. The documents were bates-labeled in such a way to indicate that they were likely a supplemental production to Chilly Dil's First Set of Requests for Production of Documents ("RFPs"). No amended or supplemental responses to the RFPs were included with this production. A true and correct copy of this email is attached hereto and incorporated herein by reference as Exhibit "A".

4. During my meet and confer efforts with JetPay related to Chilly Dil's Motion to Compel, including when I threatened to file a Motion to Compel, JetPay never informed me or my office that a supplemental production would be forthcoming. Evidently, JetPay waited to supplement until such time as Chilly Dil was forced to file a motion to compel.

5. I reviewed JetPay's supplemental production. While the documents included some emails to or from the other JetPay entities, the production still did not include any documents responsive to RFP Nos. 35-39 and 41, which relates to the corporate structures of JetPay, the other JetPay defendants, and a non-party JetPay entity, and how these entities are related to one another.

6. On or about July 8, 2015, JetPay served my office with Amended Responses to Chilly Dil's First Set of Special Interrogatories. A true and correct copy of this email is attached hereto and incorporated herein by reference as Exhibit "B".

7. On March 25, 2015, Chilly Dil served its responses to JetPay's First Set of RFPs. For most of these requests, Chilly Dil responded that it would produce responsive documents once a Protective Order is entered in this action. JetPay did not formally attempt to meet and confer about Chilly Dil's responses to JetPay's RFPs. Nor has it threatened or attempted to file a Motion to Compel addressing Chilly Dil's purported lack of production.

8. On or about December 22, 2014, my office served 345 pages of documents on JetPay as part of Chilly Dil's FRCP 26 initial disclosures.

9. On December 22, 2015, my office received five pages of documents from JetPay's counsel as part of JetPay's FRCP 26 initial disclosures.

10. In my declaration to this Court that I submitted in support of Chilly Dil's Motion to Compel, I stated that Chilly Dil has recently discovered relevant documents and that it would be producing shortly as part of its' disclosures. On July 10, 2015, Chilly Dil served JetPay with an additional 146 pages of documents as a part of its disclosures.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Los Angeles, California.

Dated: July 21, 2015



David Steiner

EXHIBIT A

Maria Arakelian

From: Ulluela, Luisa <Luisa.Ulluela@cooperscully.com>
Sent: Wednesday, June 17, 2015 3:56 PM
To: dpsartnetlaw@gmail.com; plehtola@lc-lawfirm.com; Eugene Rome; Maria Arakelian
Cc: Dortch, Micah; Tow, Lauren; Eckardt, Valerie; Woodside, Pat
Subject: Chilly Dil v. JetPay
Attachments: 06.17.2015 LTR to P fwd JETPAY 00234-00933-c.pdf

This message contains attachments delivered via ShareFile.

- CHILLY DIL V. JETPAY 000234 - 000933.pdf (69.7 MB)

Download the attachments by [clicking here](#).

Please note this link expires in 7 days.

Thank you.

LUISA ULLUELA
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EXHIBIT B

Maria Arakelian

From: DPS Legal Assistant <jbbartnetlaw@gmail.com>
Sent: Monday, July 20, 2015 5:21 PM
To: Maria Arakelian
Subject: Fwd: Civil Action No. 3:14-cv-02749-P - Chilly Dil Consulting, Inc. v. JetPay ISO, et al
Attachments: JetPay's Amended Responses to Plaintiff's First Set of Special Interrogatories-c.pdf

----- Forwarded message -----

From: **Woodside, Pat** <Pat.Woodside@cooperscully.com>
Date: Wed, Jul 8, 2015 at 1:35 PM
Subject: Civil Action No. 3:14-cv-02749-P - Chilly Dil Consulting, Inc. v. JetPay ISO, et al
To: "dpsartnetlaw@gmail.com" <dpsartnetlaw@gmail.com>, "plehtola@lc-lawfirm.com" <plehtola@lc-lawfirm.com>
Cc: "Dortch, Micah" <Micah.Dortch@cooperscully.com>, "Tow, Lauren" <Lauren.Tow@cooperscully.com>, "Ulluela, Luisa" <Luisa.Ulluela@cooperscully.com>, "Eckardt, Valerie" <Valerie.Eckardt@cooperscully.com>

Please see attached Defendant JetPay ISO Services, LLC's Amended Responses to Plaintiff's First Set of Special Interrogatories to Defendant JetPay ISO Services, LLC sent on behalf of Lauren Tow.

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--
Taly Haghghi

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